

Title 33
ENVIRONMENTAL QUALITY
Part IX. Water Quality Regulations

Chapter 1. General Provisions

§101. Scope and Purpose

These regulations establish requirements and procedures for permitting, enforcement, monitoring, and surveillance, and spill control activities of the ~~Louisiana Water Pollution Control Division, Office of Water Resources,~~ Department of Environmental Quality.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§103. Authority

These regulations are promulgated under authority of the Louisiana Environmental Quality Act (R.S. 30:2001 et seq., ~~1983 as amended~~) by order of the secretary of the Department of Environmental Quality.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§107. Definitions

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[See Prior Text]

Administrative Authority – the secretary of the Department of Environmental Quality, ~~the assistant secretary of the Office of Water Resources, and/or their designated representative or his designee or the appropriate assistant secretary or his designee.~~

* * *

[See Prior Text]

Assistant Secretary – the assistant secretary of the ~~Office of Water Resources~~ appropriate office of the Department of Environmental Quality.

* * *

[See Prior Text]

DEQ – the Department of Environmental Quality.

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[See Prior Text]

Dissolved Oxygen—the amount of oxygen dissolved in water, commonly expressed as a concentration in terms of milligrams per liter, mg/L.

~~*Division*—the Water Pollution Control Division within the Office of Water Resources, Department of Environmental Quality.~~

Drilling Fluids—any fluid sent down the hole, including drilling muds and any specialty products, from the time a well is begun until final cessation of drilling in that hole.

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[See Prior Text]

Hazardous Substance - any hazardous material, hazardous waste, or reusable material which has corrosive, ignitable, infectious, or reactive characteristics as defined by ~~the Hazardous Waste Division~~department regulations.

* * *

[See Prior Text]

Migrating—any movement by leaching, spilling, discharging, or any other uncontained or uncontrolled manner except as permitted by law or other regulations of the ~~office~~department.

* * *

[See Prior Text]

Nonpoint Source—a diffuse source of water pollution that does not discharge through a point source but instead flows freely across exposed natural or man-made surfaces such as agricultural or urban runoff and runoff from construction, mining, or silvicultural activities.

~~*Office*—the Office of Water Resources within the Department of Environmental Quality.~~

Operator—the person or legal entity responsible for the operation and/or maintenance of a facility with a discharge covered by these regulations.

* * *

[See Prior Text]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY
Part IX. Water Quality Regulations

Chapter 3. Permits

§301. Scope

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[See Prior Text in A]

B. Without first obtaining a LWDPs permit from the ~~Office of Water Resources~~department (with the exceptions noted in LAC 33:IX.301.D and F below), no person shall:

* * *

[See Prior Text in B.1-C.7]

D. A person discharging or proposing to discharge the following types of wastes or wastewaters shall not be required to apply for a permit from ~~this office~~the department pursuant to this regulation:

* * *

[See Prior Text in D.1]

2. except as otherwise provided in this Chapter, storm sewer systems including canals and pumping stations operated and maintained by local, state, or federal agencies solely for the purposes of conveyance of storm water runoff, unless a particular storm water discharge has been identified by the ~~office~~department as a significant contributor to pollution; and the operator of such discharge has been notified of such determination. Such storm sewer systems are considered to be waters of the state and any facility or activity discharging into storm sewer systems shall be required to have permits according to the requirements of these regulations;

3. a discharge directed solely into a publicly or privately owned treatment works provided the owner of such treatment works has a valid discharge permit and the ~~office~~department has determined that the waste may be adequately treated by the treatment works;

* * *

[See Prior Text in D.4-E.3]

4. after the state receives delegation of the federal NPDES program, a discharge to which the regional administrator of EPA objects in writing to the ~~office~~department;

* * *

[See Prior Text in E.5-7]

F. Any unpermitted facility or activity that exists or is under construction on the effective date of these regulations and falls under the jurisdiction of LAC 33:IX.301.B shall submit a completed application to ~~this office~~ the Office of Environmental Services, Permits Division within 180 days of the effective date. Upon receipt of the application by ~~this office~~ the department within the prescribed 180 days, the facility shall be deemed in compliance with LAC 33:IX.301.B except where the administrative authority has initiated action against the facility following an investigation or complaint. All facilities or activities which meet the requirements outlined in LAC 33:IX.301.J.4 or LAC 33:IX.301.K.4 shall be exempt from the requirements of this Paragraph.

* * *

[See Prior Text In G-J.2.b]

c. *Concentrated Animal Feeding Operation*—an animal feeding operation which meets the criteria in Appendix B or which the ~~office~~department designates under Paragraph 3 of this Section.

* * *

[See Prior Text In J.3]

a. The ~~office~~department may designate any animal feeding operation as a concentrated animal feeding operation upon determining that it is a significant contributor of pollution to the waters of the state. In making this designation the ~~office~~department shall consider the following factors:

* * *

[See Prior Text In J.3.a.i-b.ii]

4. A permit application shall not be required from a concentrated animal feeding operation until the ~~office~~department has conducted an on-site inspection of the operation and determined that the operation should and could be regulated under the permit program. However, all concentrated animal feeding operations which meet the criteria in Appendix B shall so notify the ~~Office of Environmental Services, Permits Division~~ within 180 days of the effective date of these regulations.

* * *

[See Prior Text in K-K.1]

2. Definition

Concentrated Aquatic Animal Production Facility—a hatchery, fish farm, or other facility which meets the criteria in Appendix C of these regulations, or which the ~~office~~department designates under LAC 33:IX.301.K.3 of this Section.

* * *

[See Prior Text in K.3]

a. The ~~office~~department may designate as a concentrated aquatic animal production facility any warm or cold water aquatic animal production facility upon determining that it is a significant contributor of pollution to waters of the state. In making this designation the ~~office~~department shall consider the following factors:

* * *

[See Prior Text in K.3.a.i-iv]

4. A permit application shall not be required from a concentrated aquatic animal production facility until the ~~office~~department has conducted an on-site inspection of the facility and has determined that the facility should and could be regulated under the permit program. However, all concentrated aquatic animal production facilities which meet the criteria in Appendix C shall so notify the ~~Office of Environmental Services, Permits Division~~ within 180 days of the effective date of these regulations.

* * *

[See Prior Text In L-N]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985), amended by the Office of the Secretary, LR 22:344 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§303. Permit Application Information

A. Any person desiring to obtain a LWDPs permit from ~~this office~~the department shall make application on forms prescribed by the ~~office~~department and shall submit such information as required in LAC 33:IX.303.E below. Such person shall submit any reasonable additional information deemed necessary by the ~~office~~department to complete or correct deficiencies in the application before processing of the application will be completed. No application shall be deemed complete and ready for disposition until all reasonable additional information has been supplied. A site visit by ~~office~~department personnel shall be required if determined to be necessary by the ~~office~~department. The ~~office~~department shall not make a final determination on any application until such time as the applicant has supplied the requested information and otherwise corrected any deficiencies.

B. All applications and supporting documents shall be filed in triplicate with the ~~office~~department.

* * *

[See Prior Text In C-D]

E. All applicants for a LWDPs permit shall provide the following information to the ~~office~~Office of Environmental Services, Permits Division using the application form provided by the

officdepartment, unless the officdepartment determines that such information is not required for applicant's facility or activity:

* * *

[See Prior Text In E.1-7]

8. A topographic map (or other map if a topographic map is unavailable) drawn to a reasonable scale and extending not less than one mile beyond the property boundaries of the site, depicting the facility and each of its intake and discharge structures; each of its hazardous waste treatment, storage, or disposal facilities; each well where fluids from the facility are injected underground; and when deemed necessary by the officdepartment, those wells, springs, other surface water bodies, and drinking water wells listed in public records or otherwise known by the applicant to be in the map area;

9. for each discharge outlet, a) the latitude and longitude to the nearest second [or if this information is unavailable to at least the nearest 15 seconds], b) the Section, Township, and Range information or other means, acceptable to the officdepartment, to locate each discharge outlet; and, c) the name of the immediate receiving water body and river mile point where applicable. When the discharge is to an unnamed receiving water, the first named water, and the approximate distance thereto, shall be indicated;

* * *

[See Prior Text In E.10-14]

15. An applicant is expected to know or have reason to believe that a pollutant is present in an effluent based on an evaluation of the expected use, production, or storage of the pollutant, or on any previous analyses for the pollutant. Analyses should be made using methods approved by the officdepartment.

* * *

[See Prior Text In E.15.a-18]

19. A report of the history of water violations and enforcement actions for that facility (including, but not limited to, a summary of permit excursions for the last two years, administrative orders, compliance orders, notices of violation, cease and desist orders and any other enforcement actions either already resolved or still pending). The officdepartment may choose, at its discretion, to require a more in-depth report of violations and compliance for the applicant himself/herself covering any law, permit, or order concerning pollution.

* * *

[See Prior Text In E.20-G]

1. The officdepartment may take enforcement action as prescribed by state law or regulation against any person who:

* * *

[See Prior Text In G.1.a]

b. knowingly makes any false statement, representation, or certification in any application, record, report, or other documents filed with ~~this office~~ the department pursuant to the state law or the rules and regulations pursuant to state law. Violations of this provision can subject the violator to the penalties provided for in the act for perjury or false statements.

2. The ~~office~~ department may take enforcement action as prescribed by state law or regulation against any person who:

a. fails to correct deficiencies in the application; or upon becoming aware that any relevant facts or information were omitted in a permit application or in any report to the ~~office~~ department, fails to promptly submit such facts or information;

b. fails to submit when requested in writing any additional information deemed necessary by ~~this office~~ the department;

* * *

[See Prior Text In G.2.c]

3. Exception. In cases where the application is withdrawn by the applicant, a written notification must be provided to ~~this office~~ the Office of Environmental Services, Permits Division stating that no discharge or other activity that would require a permit ~~from this office~~ under these regulations is currently taking place. Provided that the application was not made in response to previous enforcement action, the applicant is then exempt from enforcement action for causes listed under LAC 33:IX.303.G.2.

* * *

[See Prior Text In H- H.2.b]

c. the written authorization is submitted to the ~~o~~ Office of Environmental Services, Permits Division.

3. If an authorization under LAC 33:IX.303.H of this Section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of LAC 33:IX.303.H.2 of this Section shall be submitted to the ~~o~~ Office of Environmental Services, Permits Division prior to or together with any reports, information, or applications to be signed by an authorized representative.

* * *

[See Prior Text In H.4]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§307. Modification, Revocation and Reissuance

A. Any permittee shall report to the Office of Environmental Services, Permits Division any facility changes which result in increases in the quantity of pollutants discharged or decreases in the quality of the discharges. The permittee shall also report any facility changes which result in decreases in the quantity of pollutants discharged or increases in the quality of discharges of pollutants where such change is expected to last in excess of 180 days. Such report shall be by submission of a modified permit application or, if the discharge does not violate the effluent limitations specified in the permit, by submission of notice to the Office of Environmental Services, Permits Division of the nature of such facility changes. The permittee shall not commence any facility expansion, production increases, or process modifications which result in new or increased discharges of pollutants without receiving a modified LWDPs permit or written authorization from ~~this office~~ the Office of Environmental Services, Permits Division. The provisions of this Paragraph shall not apply to facility changes that were considered during the permitting process.

B. When the Office of Environmental Services, Permits Division receives any new information or receives a request for modification or revocation, such permit may, after an opportunity for hearing, be modified, or alternatively revoked and reissued, in whole or in part, for cause, including but not limited to:

* * *

[See Prior Text In B.1-3]

4. ~~the office~~ department has received new information; permits may be modified during their terms for this cause only if the information was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and would have justified the application of different permit conditions at the time of issuance;

* * *

[See Prior Text In B.5-D.3]

4. allow for a change in ownership or operational control of a facility where the Office of Environmental Services, Permits Division determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the ~~office~~ department (see LAC 33:IX.307.B.8 and 311.D);

* * *

[See Prior Text In D.5-F]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§309. Renewal and Termination

A. At least 180 days prior to the expiration date of a LWDPS permit issued pursuant to state law and this regulation, a permittee who wishes to continue to operate under such permit shall submit an application for renewal to the ~~office~~Office of Environmental Services, Permits Division.

B. After receipt of an application for renewal of a LWDPS permit by a permittee, the ~~office~~department shall review the application and before issuing a draft permit shall be assured that:

* * *

[See Prior Text In B.1]

2. the ~~office~~department has up-to-date information on the permittee's production levels, waste treatment practices and the nature, contents and frequency of the permittee's discharge; and

* * *

[See Prior Text In B.3]

C. If the applicant submits a timely and complete application pursuant to LAC 33:IX.309.A, and the ~~office~~department, through no fault of the applicant, fails to act on the application on or before the expiration date of the existing permit, the permittee shall continue to operate the facility under the terms and conditions of the expired permit which shall remain in effect until final action on the application is taken by the ~~office~~department. If the application is denied or the terms of the new permit contested, the expired permit shall remain in effect until the appeal process has been completed and a final decision rendered unless the secretary finds that an emergency exists which requires that immediate action be taken and in such case any appeal or request for review shall not suspend the implementation of the action ordered. Permits continued under this Section remain fully effective and enforceable.

* * *

[See Prior Text In D-H]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985), amended by the Office of the Secretary, LR 22:

344 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§311. Standard Permit Conditions

In addition to the following standard conditions required in all permits, the ~~office~~department shall establish additional requirements as deemed necessary on a case-by-case basis, to provide for and assure compliance with all applicable requirements of the act, these regulations, and constitutional and statutory mandates.

* * *

[See Prior Text In A-I]

1. The permittee shall allow an authorized representative of the ~~office~~department, upon proper presentation of credentials, to:

* * *

[See Prior Text In I.1.a]

b. have access to and copy any records that the ~~office~~department or its authorized representative determines are necessary for the enforcement of these regulations. For records maintained in either a central or private office that is open only during normal office hours and is closed at the time of inspection, the records shall be made available as soon as the office is open, but in no case later than the close of business the next working day;

c. take photographs; ~~-(Reserved)~~

* * *

[See Prior Text In I.1.d-3]

4. Upon written request copies of field notes, drawings, etc. taken by ~~office~~department personnel during an inspection shall be provided to the permittee after the final inspection report has been completed.

* * *

[See Prior Text In J]

1. All sampling and analyses shall be performed in accordance with the analytical test procedures approved by the ~~office~~ Office of Environmental Services, Permits Division. Where no approved sampling or test procedure is available, the permittee must:

a. provide the ~~office~~department with a detailed description of the procedure and literature references in the application; and

b. indicate a suitable analytical test procedure approved by the ~~office~~department.

* * *

[See Prior Text In J.2-2.c]

3. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The permittee shall retain records of all monitoring information, including all calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit, for a period of at least three years from the date of the sample measurement or report. This period may be extended by request of the ~~office~~department at any time.

* * *

[See Prior Text In J.4-7]

8. Those permittees that choose to employ off-site (contractual or in-house) laboratories to perform required analyses shall not be required to maintain quality assurance or laboratory instrument calibration and maintenance records at their facility but shall provide the names and addresses of all contractual laboratories in their monitoring reports to the state. These records must, however, be maintained by the off-site laboratory and must be available for inspection without advance notice during normal working hours. Upon request, a permittee may be required to supply this information to the ~~office~~department.

* * *

[See Prior Text In J.9-10]

11. If the permittee monitors any pollutant at a designated outfall more frequently than required by the permit, using test procedures approved by the ~~office~~department or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

* * *

[See Prior Text In J.12]

13. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the ~~office~~department in the permit.

14. The permittee shall report any noncompliance as required by R.S. 30:2025(J), R.S. 30:2076(D) or departmental regulations promulgated under these statutes. In addition, all maximum limitation excursions shall be reported in writing to the ~~Office of Environmental Compliance, Enforcement Division~~ within five days of the time the permittee becomes aware of the excursions.

* * *

[See Prior Text In J.15- K]

1. Bypass is permitted only under the following conditions, and the ~~office~~department may take enforcement action against a permittee for bypass, unless:

* * *

[See Prior Text In K.1.a-c]

i. if the permittee knows in advance of the need for a bypass, it shall submit to the Office of Environmental Services, Permits Division prior written notice, at least 10 days before the date of the bypass if possible;

ii. if the permittee does not know in advance of the need for a bypass, notice shall be submitted to the ~~o~~Office of Environmental Services, Permits Division within 24 hours after the initiation of the bypass unless an earlier notice is required in R.S. 30:2025(J).

2. The ~~office~~department may approve an anticipated bypass, after considering its adverse effects, if it is determined by the ~~office~~department that it will meet the applicable conditions listed in LAC 33:IX.311.K.1.

* * *

[See Prior Text In K.3]

4. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if the bypass is required for essential maintenance to assure efficient operation. Any bypass that meets the requirements of this Paragraph and is expected to or does continue for longer than seven days shall be reported in writing to ~~this office~~ the Office of Environmental Services, Permits Division within 10 working days of initiation of the bypass. These bypasses are not subject to the provisions of LAC 33:IX.311.K.1 and 2.

* * *

[See Prior Text In L-L.2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§313. Fact Sheets

A. The fact sheet shall briefly set forth the principal facts considered in preparing the draft permit. The ~~office~~department shall send this fact sheet to the applicant and, on request, to any other interested party. A fact sheet shall be prepared for every:

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[See Prior Text In A.1-2]

3. draft permit which the ~~office~~department determines is the subject of widespread public interest or raises major issues.

* * *

[See Prior Text In B-B.6]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§315. Public Information

A. A public notice shall be issued for every draft permit generated by the ~~office~~department, and it shall contain:

* * *

[See Prior Text In A.1-4]

5. a concise description of the procedures for the formulation of final determinations including information on the comment period prescribed in LAC 33:IX.315.D or other means by which interested persons may comment on the tentative determinations; and

6. the address and telephone number of the office where more information on the application may be obtained or where copies of the draft permit and fact sheet (where applicable) may be inspected or copied subject to the rules in LAC 33:IX.315.F; and

~~7. the address and telephone number of the Office of Water Resources.~~

B. The ~~office~~department shall send a copy of the public notice to all persons on a mailing list developed by the ~~office~~department and to any person who requests a copy of the public notice for that particular action. Distribution to the mailing list may be accomplished through mailing of a departmental bulletin.

C. The ~~office~~department shall send the public notice to the applicant who shall be responsible for publication of the notice once in the official state journal and once in any other local newspapers specified by the ~~office~~department. Upon publication, the applicant shall send the ~~Office of Environmental Services, Permits Division~~ a copy of the certificate of publication. The costs of publication shall be borne by the applicant.

D. The ~~office~~department shall provide a period of not less than 30 days nor more than 60 days following the date of the public notice during which time interested persons may submit their written views on the tentative determination with respect to the permit application and may request a public hearing. All written comments submitted during the period for comment shall be retained

by the ~~office~~department and considered in the formulation of the final determinations for the permit application.

* * *

[See Prior Text In E]

1. At the time that any final permit is issued, the ~~office~~department shall also issue a response to comments which shall be delivered to any person who commented and shall be available to the public. This response shall:

* * *

[See Prior Text In E.1.a-F.1]

2. under the observation and supervision of ~~a member of the staff of the Office of Water Resources~~or a departmental contractor;

* * *

[See Prior Text In F.3]

4. no recorded information shall be removed from the ~~office~~department, except as provided herein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985), amended by the Office of the Secretary, LR 22:344 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§317. Special Permits/Programs

A. General Permits

1. The ~~office~~department may issue general permits for certain categories of minor facilities or activities where individual permits are not necessary in order to adequately protect the environment or the public health. Before a general permit is issued the following conditions must be met:

* * *

[See Prior Text In A.1.a-3]

4. In order for the ~~office~~department to maintain an updated list, a facility or activity that is covered by a general permit may be required to register with the ~~office~~department in accordance with the requirements of the general permit.

* * *

[See Prior Text In A.5-6]

7. The ~~office~~department may revoke the authorization to discharge in accordance with a general permit as it applies to any person and require such person to apply for and obtain an individual permit if:

* * *

[See Prior Text In A.7.a-B]

1. To promote the development of water pollution control technology for innovative processes or techniques, the ~~office~~department may issue experimental permits that do not contain provisions generally found in permits provided that the applicant submits clear, cogent, and convincing proof that the process or technique has a reasonable and substantial chance for success.

* * *

[See Prior Text In B.2-C]

1. The ~~office~~department may issue a temporary or interim permit to a person to allow discharge of pollutants where:

* * *

[See Prior Text In C.1.a-D]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY
Part IX. Water Quality Regulations

Chapter 5. Enforcement

§501. General

* * *

[See Prior Text In A-D]

E. Upon delegation of the NPDES program, the ~~office~~department shall notify the regional administrator of NPDES permit violations and of the means by which the ~~office~~department proposes to correct or require the correction of such violations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§503. Investigations

A. Any person may file an oral or written complaint concerning an alleged violation or environmental problem with the ~~Office of Environmental Compliance~~ by telephone at (225) 763-3908, during office hours; (225) 342-1234, after hours, weekends, and holidays; or e-mail at surveillance@deq.state.la.us. The complainant may remain anonymous, if desired, and such a request for anonymity shall not be considered as a prejudicial factor in evaluation of the appropriate response to the complaint.

* * *

[See Prior Text In B]

1. when the ~~office~~department has reason to believe, due to prior investigation or personal knowledge by the staff of the situation, that the complaint is spurious;

2. when the ~~office~~department has previously investigated the situation described in the complaint and, in the judgement of the staff, additional investigation is unwarranted; or

* * *

[See Prior Text In B.3-C]

D. All facts concerning any violation discovered during an investigation shall be fully documented in a written report prepared by the investigator. A copy of any such report shall be maintained in the ~~office's~~department's files under the name of the alleged violator and shall be made available to the permittee on request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§507. Civil and Criminal Enforcement

A. The administrative authority may file any civil action necessary in an appropriate court to enforce the provisions of the act and these regulations including, but not limited to, assessment or collection of penalties, recovery of damages, and enforcement of an order, permit or license. In such suits the administrative authority shall be represented by the attorney general and the ~~office~~department shall immediately compile and transmit to the attorney general all information and reports in the ~~office~~department records necessary for evaluation and preparation of suit.

B. At any time the administrative authority determines that a criminal violation of the act may have occurred, it shall notify the district attorney for the appropriate jurisdiction. The ~~office~~department shall thereafter provide the district attorney with all factual and technical information necessary for evaluation of the violations. Failure of the district attorney to initiate prosecution after notification by the administrative authority shall not preclude appropriate enforcement action by the administrative authority.

C. Upon institution of any civil suit by the administrative authority through the attorney general or upon institution by any district attorney of any criminal proceeding for a violation under the act or rules, the department, ~~through the office~~, shall fully cooperate in, and provide appropriate technical and legal assistance for the prosecution of such actions.

* * *

[See Prior Text In D]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

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ENVIRONMENTAL QUALITY
Part IX. Water Quality Regulations

Chapter 7. Effluent Standards

§708. Exploration for and Production of Oil and Natural Gas

* * *

[See Prior Text in A-C.1.b.iii]

iv. in the event of an unauthorized discharge of oil, produced water, or any other product or waste material, a remedial response must be immediately initiated and the ~~Water Pollution Control Division (WPCD)~~ Office of Environmental Compliance, Surveillance Division shall be notified in accordance with LAC 33:I.3901 et seq. The remedial response shall include immediate removal of discharged materials and, to the extent practicable, decontamination of any water, soil, sediment, or vegetation adversely impacted by the unauthorized discharge. If immediate cleanup is not considered to be an appropriate remedial measure, the responsible party shall notify the ~~WPCD~~ Office of Environmental Compliance, Surveillance Division of the alternative remedial plan and shall promptly implement said plan upon approval by the ~~WPCD~~ department. Submission of an alternate plan shall in no way relieve the responsible party of its duty to contain and mitigate the effects of the discharge;

v. Use of detergents, emulsifiers, or dispersants to clean up spilled oil is prohibited unless the use has been specifically approved by the ~~WPCD~~ department or is necessary to maintain a safe work environment (i.e., minimization of the potential for personnel injury due to slipping hazards). In all such cases, initial cleanup shall be done by physical removal. Detergents, emulsifiers, or dispersants shall not be employed to sink, obscure, or camouflage spilled materials or to in any way hinder observation of a spill event.

* * *

[See Prior Text In C.1.b.vi- 2.b.viii]

ix. There shall be no discharge of produced water within the boundaries of any state or federal wildlife management area, refuge, park, or scenic stream or into any water body determined by the ~~WPCD~~ department to be of special ecological significance.

* * *

[See Prior Text In C.2.b.x- c.iii]

iv. Produced water shall not be discharged within the boundaries of any state or federal wildlife management area, refuge, or park or into any water body determined by the ~~WPCD~~ department to be of special ecological significance.

* * *

[See Prior Text In C.2.c.v]

d. Radioactivity and Toxicity Analyses. A radioactivity measurement, acute toxicity test, and chronic toxicity test shall be conducted using test methods approved by the administrative authority on representative samples of all existing produced water discharges that flow to the surface waters of the state. The results of the radioactivity analysis and the average daily discharge rate (barrels per day) shall be submitted to ~~this office~~ the department by August 20, 1989. The results of the toxicity analyses and the average daily discharge rate (barrels per day) shall be submitted to ~~this office~~ the department by February 20, 1990.

* * *

[See Prior Text In C.2.e-3.c]

d. Drilling fluids or drill cuttings shall not be discharged within the boundaries of state or federal wildlife management areas, refuges, parks, or scenic streams or into any water body determined by the ~~WPCD~~ department to be of special ecological significance.

e. The discharge of drill cuttings or bulk drilling fluids (if allowed) must not occur within 1,300 feet (via water) of an active oyster lease, live natural oyster or other molluscan reef, designated oyster seed bed, or sea grass bed. No discharge shall be made in such a manner as to allow deposition of drill cuttings or drilling fluids in or upon any active oyster lease, live natural reef, or seed bed. If the discharge is to take place within one mile of an area containing oyster leases, a lease map must be forwarded to ~~this office~~ the Office of Environmental Services, Permits Division showing the location of the discharge and surrounding leases. If the applicant considers any oyster lease, live natural oyster or other molluscan reef, or designated seed bed within 1,300 feet of a discharge of drilling fluids or drill cuttings to be inactive, written documentation and evidence must be submitted to ~~this office~~ the Office of Environmental Services, Permits Division for a determination to be made as to the acceptability of such a discharge.

* * *

[See Prior Text In C.3.f-4.a]

b. The discharge of stormwater runoff generated in conjunction with exploration and production activities conducted in any region not designated as upland must be reflected in a valid LWDPS permit unless appropriate prior dispensation has been received from the ~~WPCD~~ department.

* * *

[See Prior Text In C.4.c-5.b.ii]

c. Each discharge will require specific prior approval from a representative of the ~~WPCD~~ Office of Environmental Services, Permits Division. An analysis of the treated water shall be submitted to and approved by a representative of the ~~WPCD~~ Office of Environmental Services, Permits Division prior to discharge.

* * *

[See Prior Text In C.5.c.i-iii]

d. Dilution shall not be used to comply with any of the discharge limitations unless specific written authorization from the WPCD Office of Environmental Services, Permits Division has been obtained. The only parameter for which dilution will be considered is chloride. Formal written requests for approval to allow dilution of chloride levels should be addressed to the WPCD Office of Environmental Services, Permits Division Surveillance Section Program Manager. Consideration of written requests to allow dilution of chloride levels in drilling site reserve pits, ring levee borrow ditches, shale barges, drilling fluid dewatering systems, and abandoned or inactive oil field production pits will be made on a case-by-case basis and only if the following conditions can be met:

* * *

[See Prior Text In C.5.d.i-iv]

v. the WPCD Office of Environmental Services, Permits Division representative concludes that no adverse environmental effects will result from the discharge of pretreated and diluted wastewater.

e. An on-site inspection by WPCD Office of Environmental Services, Permits Division personnel may be required prior to discharge approval.

f. Additional monitoring, including daily and 24-hour composite sampling, may be required for any specific discharge event or site at the discretion of the WPCD department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 15:261 (April 1989), amended LR 17:263 (March 1991), LR 23:860 (July 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§709. Miscellaneous Small Dischargers

* * *

[See Prior Text In A-B.4]

5. When a discharge, or group of discharges, results in a violation of water quality standards, the office department reserves the right to impose more stringent requirements.

* * *

[See Prior Text In C-H.3]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY
Part IX. Water Quality Regulations

Chapter 9. Spill Prevention and Control

§905. Requirements for Preparation and Implementation of Plans

A. Operators of facilities in operation or under construction on or before the effective date of these regulations that meet the criteria outlined in LAC 33:IX.903 shall prepare a plan within 180 days of the effective date of these regulations. The plan shall be fully implemented as soon as possible after preparation, but not later than one year after it was prepared. The ~~office~~ Office of Environmental Services, Permits Division may, upon written request, grant additional implementation time to existing facilities in those cases where substantial upgrading or modification may be required in order to comply with this Chapter.

* * *

[See Prior Text In B]

C. Operators of facilities for which a plan is required shall keep a complete copy of the plan at the facility if the facility is normally attended at least eight hours per day, or at the nearest office within the state if the facility is not so attended. The plan shall be made available to authorized representatives of the ~~office~~ department for on-site review during normal working hours. Plans need not be submitted to the ~~office~~ department unless a request to do so has been made by an authorized representative of the ~~office~~ department.

D. Amendment of Plans by the ~~Office~~ Department. After review of the plan by the ~~office~~ department and/or upon receiving notice of a spill pursuant to the notification requirements of R.S. 30:2025(J), the ~~office~~ department may require the operator of the facility to amend the plan if it finds that the plan does not meet the requirements of this Chapter.

* * *

[See Prior Text In E-F]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§907. Guidelines for the Preparation and Implementation of a Plan

A. The plan shall be prepared in accordance with sound engineering practices. If the plan calls for additional facilities or procedures, methods, or equipment not yet fully operational, these items shall be discussed, and the details of installation and operational start-up shall be explained

individually. The ~~office~~department recognizes that the designs of major facilities differ and that in certain cases the appropriate methods for spill prevention and control must be site-specific. While the guidelines presented herein suggest the use of specific methodologies for this purpose, alternate methods may be employed if it can be demonstrated to the satisfaction of the ~~office~~department that the alternate methods will adequately prevent and control spills, and that they are reasonably equivalent to the suggested methods. A complete plan shall follow the sequence outlined in LAC 33:IX.903.B-E.

* * *

[See Prior Text In B-J]

K. Verification by the ~~Office~~Department. Facilities at which this Chapter applies may be inspected by an authorized representative of the ~~office~~department to assure implementation and adequacy of the plan. Such inspections shall be covered by the conditions provided for in LAC 33:IX.311.I of these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY
Part IX. Water Quality Regulations

Chapter 11. Surface Water Quality Standards

§1105. Definitions

* * *

[See Prior Text]

Administrative Authority—the secretary of the Department of Environmental Quality, or his ~~designee or the appropriate assistant secretary or his designee or her designated representative,~~ or the assistant secretary, Office of Water Resources, or his or her designated representative.

* * *

[See Prior Text]

Nonpoint Source—a diffuse source of water pollution that does not discharge through a point source but instead flows freely across exposed natural or man-made surfaces such as agricultural or urban runoff and runoff from construction, mining, or silviculture activities.

~~*Office*—the Office of Water Resources within the Department of Environmental Quality.~~

Person—any individual, municipality, public or private corporation, partnership, firm, the United States Government and any agent or subdivision thereof, or any other juridical person which shall include, but not limited to, trusts, joint stock companies, associations, the State of Louisiana, political subdivisions of the state, commissions, and interstate bodies.

* * *

[See Prior Text]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 20:883 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division LR 25:2401 (December 1999), LR 26:**.

§1109. Policy

Water quality standards policies concerned with the protection and enhancement of water quality in the state are discussed in this Section. Policy statements on antidegradation, water use, water body exception categories, compliance schedules and variances, short-term activity authorization, errors, severability, revisions to standards, and sample collection and analytical procedures are described.

* * *

[See Prior Text in A-A.1]

2. The administrative authority will not approve any wastewater discharge or certify any activity for federal permit that would impair water quality or use of state waters. Waste discharges must comply with applicable state and federal laws for the attainment of water quality goals. Any new, existing, or expanded point source or nonpoint source discharging into state waters, including any land clearing which is the subject of a federal permit application, will be required to provide the necessary level of waste treatment to protect state waters as determined by the administrative authority. Further, the highest statutory and regulatory requirements shall be achieved for all existing point sources and best management practices (BMPs) for nonpoint sources. Additionally, no degradation shall be allowed in high-quality waters that constitute outstanding natural resources, such as waters in the Louisiana Natural and Scenic Rivers System or waters of ecological significance as designated by the ~~office~~department. Those water bodies presently designated as outstanding natural resources are listed in LAC 33:IX.1123.

* * *

[See Prior Text in A.3-B.3.f]

C. Water Body Exception Categories. Poor water quality will be viewed as a problem to be solved, not as an impediment to categorizing water bodies or assigning designated uses. However, some water bodies, because of natural water quality or physical limitations, may qualify for an excepted use classification. This classification will be made on a case-by-case basis. Whenever data indicate that an excepted classification is warranted, the ~~office~~department will recommend the exception to the state administrative authority for approval. In all cases where exceptions are proposed, the concurrence of the regional administrator of the EPA must be obtained and the opportunity for public participation must be provided during the exceptions review process. In most cases, the proposed exception will be considered during the public participation process along with a permit application or management plan update. Exceptions are allowed for the following three categories of water bodies: certain intermittent streams, man-made water bodies, and naturally dystrophic waters. Applications for excepted water use classifications may be considered for certain water bodies which satisfy one of the following descriptions.

* * *

[See Prior Text in C.1-D]

1. Upon permit issuance, modification, or renewal, compliance schedules may be incorporated into a permit to allow a permittee adequate time to make treatment facility modifications necessary to comply with water quality-based permit limitations determined to be necessary to implement new or revised water quality standards. Compliance shall be achieved at the earliest practicable time. The ~~office~~department will establish interim conditions which may consist of, but are not limited to, compliance schedules, monitoring requirements, temporary limits, and milestone dates so as to measure progress toward final project completion (e.g., design completion, construction start, construction completion, date of compliance).

2. A variance from statewide criteria may be allowed in certain cases where the appropriateness of the criteria is questionable. The variance provides a period of time during which issues concerning the appropriateness of the criteria may be resolved. A variance shall be valid for no more than three years. Any person may request that the ~~office~~department grant a variance. A variance may be granted only after appropriate public participation and EPA review and approval. Variances from criteria will be allowed for anticipated nonattainment of water quality standards due to one or more of the reasons listed in LAC 33:IX.1109.B.3. Other reasons for approval of a variance may be considered on a case-by-case basis.

* * *

[See Prior Text in E-H.2]

I. Sample Collection and Analytical Procedures. Procedures for collecting and analyzing samples to be used to determine whether the standards have been attained shall be subject to the following requirements as well as those specified in the ~~office's~~department's Quality Assurance (QA) Plan for water monitoring and analysis.

* * *

[See Prior Text in I.1-2]

3. Collection and preservation of samples will be in accordance with accepted practices as specified in the ~~office's~~department's QA Plan.

* * *

[See Prior Text in I.4]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 17:966 (October 1991), LR 20:883 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1111. Water Use Designations

There are seven water uses designated for surface waters in Louisiana: primary contact recreation, secondary contact recreation, fish and wildlife propagation, drinking water supply, oyster propagation, agriculture, and outstanding natural resource waters. Designated uses assigned to each subsegment apply to all water bodies (listed water body and tributaries/distributaries of the listed water body) contained in that subsegment unless unique chemical, physical, and/or biological conditions preclude such uses. However, the designated uses of drinking water supply, oyster propagation, and/or outstanding natural resource waters apply only to the water bodies specifically named in Table 3 (LAC 33:IX.1123) and not to any tributaries and distributaries to such water body which are typically contained in separate subsegments. A description of each designated use follows.

* * *

[See Prior Text in A-F]

G. Outstanding Natural Resource Waters. Outstanding natural resource waters include water bodies designated for preservation, protection, reclamation, or enhancement of wilderness, aesthetic qualities, and ecological regimes, such as those designated under the Louisiana Natural and Scenic Rivers System or those designated by the ~~office~~department as waters of ecological significance. Characteristics of outstanding natural resource waters include, but are not limited to, highly diverse or unique instream and/or riparian habitat, high species diversity, balanced trophic structure, unique species, or similar qualities. This use designation applies only to the water bodies specifically identified in Table 3 (LAC 33:IX.1123) and not to their tributaries or distributaries unless so specified.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 20:883 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division LR 25:2401 (December 1999), LR 26:**.

§1113. Criteria

* * *

[See Prior Text in A-A.1]

2. Quality criteria for the waters of Louisiana are based on their present and potential uses and the existing water quality indicated by data accumulated through monitoring programs of the ~~office~~department and other state and federal agencies as well as universities and private sources. In some cases, available water quality and flow data are not adequate to establish criteria. Criteria in these cases are established on the basis of the best information available from waterbodies which are similar in hydrology, water quality, and physical configuration.

3. General and numerical water quality criteria may be modified to take into account site-specific, local conditions. Whenever data acquired from the sources named in LAC 33:IX.1113.A.2 or other sources indicate that criteria should be modified, the ~~office~~department will develop and recommend revised site-specific criteria. The revised criteria will be submitted to the EPA for approval and promulgated in accordance with established procedures including, but not limited to, those in the Louisiana Administrative Procedure Act, R.S. 49:950, et seq.

* * *

[See Prior Text in B-B.11]

12. Biological and Aquatic Community Integrity. The biological and community structure and function in state waters shall be maintained, protected, and restored except where not attainable and feasible as defined in LAC 33:IX.1109.B.3. This is the ideal condition of the aquatic community inhabiting the unimpaired water bodies of a specified habitat and region as measured by community structure and function. The biological integrity will be guided by the fish and wildlife propagation use designated for that particular water body. Fish and wildlife

propagation uses are defined in LAC 33:IX.1111.C. The condition of these aquatic communities shall be determined from the measures of physical, chemical, and biological characteristics of each surface water body type, according to its designated use (LAC 33:IX.1123). Reference site conditions will represent naturally attainable conditions. These sites should be the least impacted and most representative of water body types. Such reference sites or segments of water bodies shall be those observed to support the greatest variety and abundance of aquatic life in the region as is expected to be or has been recorded during past surveys in natural settings essentially undisturbed by human impacts, development, or discharges. This condition shall be determined by consistent sampling and reliable measures of selected, indicative communities of animals and/or invertebrates as established by the ~~office~~department and may be used in conjunction with acceptable chemical, physical, and microbial water quality measurements and records as deemed for this purpose.

* * *

[See Prior Text in B.13-C.1]

2. Chlorides, Sulfates, and Total Dissolved Solids. Numerical criteria for these parameters generally represent the arithmetic mean of existing data from the nearest sampling location plus three standard deviations. For estuarine and coastal marine waters subsegments in Table 3 that have no listed criteria (i.e., designated N/A), criteria will be established on a case-by-case basis using field determination of ambient conditions and the designated uses. For water bodies not specifically listed in the Numerical Criteria and Designated Table, increases over background levels of chlorides, sulfates, and total dissolved solids may be permitted. Such increases will be permitted at the discretion of the ~~office~~department on a case-by-case basis and shall not cause in-stream concentrations to exceed 250, 250, and 500 mg/L for chlorides, sulfates, and total dissolved solids, respectively, except where a use attainability analysis indicates that higher levels will not affect the designated uses. In permitting such increases, the ~~office~~department shall consider their potential effects on resident biota and downstream water bodies in addition to the background conditions. Under no circumstances shall an allowed increase over background conditions cause any numerical criteria to be exceeded in any listed water body or any other general or numerical criteria to be exceeded in either listed or unlisted water bodies.

* * *

[See Prior Text in C.3-Table 1A.Footnote d]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 17:967 (October 1991), repromulgated LR 17:1083 (November 1991), amended LR 20:883 (August 1994), LR 24:688 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division LR 25:2401 (December 1999), LR 26:**.

§1115. Application Of Standards

* * *

[See Prior Text in A-A.1]

2. An established water quality value (criterion) represents the maximum general or numerical concentration limit or characteristic (with the exception of dissolved oxygen and pH) of a constituent in a waterbody segment that is allowed by the state. For some toxic substances, however, criteria provide both acute and chronic limits for the protection of aquatic life in fresh and marine waters, and separate limits for the protection of human health. Criteria apply at all times, except where natural conditions cause them to be exceeded or where specific exemptions in the standards apply. Water uses, pollution sources, natural conditions, and the water quality criteria are all considered in the ~~office's~~department's determination of appropriate permit limits for each wastewater discharge to a waterbody.

* * *

[See Prior Text in A.3-C.7.b]

c. These specified flows will not be appropriate under some circumstances, and alternative formulations will be required to determine appropriate effluent limitations for equivalent protection of human health and aquatic life uses of the stream. These exceptions may include, but are not limited to, seasonally variable effluent discharge rates, hold and release treatment systems, and effluent dominated sites. The ~~office~~department may approve an alternative which is protective of designated uses, to be determined on a case-by-case basis.

* * *

[See Prior Text in C.8-10]

11. In those cases, such as wetlands, where unique site-specific conditions or other considerations preclude the application of specific mixing zone requirements, the ~~office~~department may specify definable, geometric limits for mixing zones.

12. In those cases where unique site-specific conditions preclude the application of the flow requirements for Category 2 water bodies as stated in Tables 2a and 2b, the ~~office~~department may on a case-by-case basis approve an alternative flow when determining 2,3,7,8-tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD) permitted effluent concentrations. Any flow specifications shall be protective of designated uses.

13. In cases for which a diffuser has been approved or required for use with a wastewater discharge, the ~~office~~department may increase the dilution allowed for the application of acute aquatic life criteria at the edge of the zone of initial dilution. The dilution allowed will be determined by the ~~office~~department after consideration of receiving water body characteristics and diffuser capabilities. No increase in dilution will be allowed at the edge of the mixing zone for the application of chronic aquatic life criteria. Physical constraints of a particular water body may preclude the approval and use of a diffuser. The following conditions must be met with the use of a diffuser:

* * *

[See Prior Text in C.13.a-f]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 17:967 (October 1991), repromulgated LR 17:1083 (November, 1991), amended LR 20:883 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division LR 25:2401 (December 1999), LR 26:**.

§1119. Implementation Plan for Antidegradation Policy

* * *

[See Prior Text in A-A.1]

2. This Section explains the specific procedures used by the ~~office~~department as the state's designated water quality management agency to implement the Antidegradation Policy.

* * *

[See Prior Text in B]

1. Procedures and methods by which the Antidegradation Policy is implemented are described in several documents produced under the Water Quality Management (WQM) Process ("The Water Quality Standards (WQS)," "The Water Quality Inventory," "The Water Quality Management Plan," "The Continuing Planning Process"; and "The Water Pollution Control Program Plan"). These documents are available from the ~~office~~department.

* * *

[See Prior Text in B.2-2.e]

f. Enforcement activities of the ~~office~~department help eliminate or ameliorate water quality degradation caused by both permitted and unpermitted discharges. Enforcement actions are directed at dischargers found to be in violation of the Water Control Law or effluent limits detailed in a wastewater permit.

g. The state's Continuing Planning Process (CPP) document describes those administrative, technical, and programmatic processes used by the state to implement its water pollution control program. The document contains detailed descriptions of each phase of implementation, from the planning of monitoring efforts, to the assessment and reporting of resulting data, to the decision-making process for carrying out policy promulgated by the ~~office~~department. To maintain an annual schedule of water quality needs and activities, the ~~office~~department also developed the Water Pollution Control Program Plan consistent with Section 106 of the Clean Water Act.

* * *

[See Prior Text in C-C.4]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 15:738 (September 1989), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1121. Regulation of Toxic Substances Based on the General Criteria

* * *

[See Prior Text In A-B]

1. When determining the need for limits based on water quality, the ~~department~~ Office of Environmental Services, Permits Division may identify data needs and request that the permittee submit additional data along with the application. Permits may be placed into three categories:

* * *

[See Prior Text In B.1.a-3.b.ii]

iii. Multiple toxicity tests using more than one species of test organisms will normally be required. The following tests and species are considered applicable to and representative of Louisiana waters. Other applicable tests and test species may also be used after approval by the ~~office~~department. In general, some combination of the following tests and species will be required.

* * *

[See Prior Text In B.3.b.iii.(a)-(b).(vi)]

(c). If a control test reveals upstream ambient water to be toxic, the discharger will redo the toxicity tests using EPA- and ~~office~~department-approved reconstituted water with hardness, alkalinity, pH, and conductivity comparable to the ambient stream for dilution. The ~~office~~department will evaluate the toxicity data if upstream toxicity is indicated.

4. For waterbodies whose designated use is as a drinking water supply, the ~~office~~department will calculate the in-stream concentration for all pollutants discharged for which EPA has promulgated a maximum contaminant level (MCL). The permittee will be required to submit to the ~~o~~Office of Environmental Services, Permits Division sufficient effluent characterization data to make these calculations. Where dilution calculations indicate that in-stream concentrations may exceed the MCL requirements at appropriate flow conditions, the permittee may be required to conduct in-stream chemical monitoring or monitoring at the water supply.

5. To protect human health by eliminating chronic exposure to potentially toxic amounts of pollutants from aquatic species consumed by humans, the ~~office~~department will calculate the in-stream concentrations of all applicable pollutants for which EPA has published human health criteria in the Quality Criteria for Water, 1986, EPA 440/5-86-001, or subsequent revisions. The permittee will be required to submit to the ~~o~~Office of Environmental Services,

Permits Division sufficient effluent characterization data to make these calculations. For operational considerations, if dilution calculations show that after mixing, a suspected carcinogen would be present in the receiving waterbody at a concentration associated with a 10^{-6} risk level, in-stream chemical monitoring may be required of the appropriate dischargers. The ~~office~~department will list the waterbody as a priority waterbody and develop a wasteload allocation or make other consideration for it.

C. Options for Implementing Whole Effluent Toxicity Permit Requirements. The option or combination of options to be selected by the ~~office~~department from the following will depend on data availability at the time of permit application and on whether toxicity is known or suspected.

* * *

[See Prior Text In C.1-E.2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 15:738 (September 1989), amended LR 17:264 (March 1991), LR 20:883 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division LR 25:2401 (December 1999), LR 26:**.

Title 33
ENVIRONMENTAL QUALITY
Part IX. Water Quality Regulations

Chapter 13. Louisiana Water Pollution Control Fee System Regulation

§1301. Scope and Purpose

It is the purpose of these regulations to establish a fee system for funding the operation and activities under these regulations of the Office of Water Resources of the Department of Environmental Quality in accordance with the Louisiana Environmental Quality Act, R.S. 30:2001 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:534 (May 1985), amended LR 18:731 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1307. Definitions

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[See Prior Text In A]

Administrative Authority—the secretary of the Department of Environmental Quality or his designee or the appropriate assistant secretary or his designee, ~~the assistant secretary of the Office of Water Resources and/or their designated representatives.~~

* * *

[See Prior Text]

Department—the Department of Environmental Quality.

Division—~~the Water Pollution Control Division within the Office of Water Resources.~~

Due Date—the date indicated on the invoice.

* * *

[See Prior Text]

New, Modified, or Reissued Permit Fee—the fee applicable to any such permit action.

Office—~~the Office of Water Resources within the Department of Environmental Quality.~~

Permit or License—for the purposes of the Louisiana Water Pollution Control Fee System, written authorization issued by the administrative authority to discharge, emit, or dispose of liquid,

gaseous, semi-solid or solid waste or reusable materials, or radioactive material from or at a site or facility, including all conditions set forth therein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:534 (May 1985), amended LR 18:731 (July 1992), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:19 (January 1996), amended by the Office of Water Resources, LR 24:326 (February 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1311. Instructions For Completing Municipal Facility Annual Fee Rating Worksheet

* * *

[See Prior Text in A-B.2.Table 1]

3. Determine the total daily average wastewater discharge to the receiving water based upon the information supplied to ~~this office~~ the department in the permit application. If there are multiple discharges, the total of all daily average discharges should be used. Under the selected wastewater type, where applicable, answer yes or no and complete the formula.

* * *

[See Prior Text in C-G]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:534 (May 1985), amended LR 14:627 (September 1988), LR 18:732 (July 1992), LR 24:327 (February 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1315. Instructions For Completing Industrial Facility Annual Fee Rating Worksheet

* * *

[See Prior Text in A-B.2.Table 2]

3. Determine the total daily average wastewater discharge to the receiving water based upon the information supplied to ~~this office~~ the department in the permit application. If there are multiple discharges, the total of all daily average discharges should be used. Under the selected wastewater type, where applicable, answer yes or no and complete the formula.

* * *

[See Prior Text in C-G]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 18:733 (July 1992), amended LR 24:327 (February 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY
Part IX. Water Quality Regulations

Chapter 15. Water Quality Certification Procedures

§1505. Definitions

Administrative Authority—the secretary of the Department of Environmental Quality or ~~his/her designated representative, the assistant secretary, Office of Water Resources, or the Environmental Control Commission designee or the appropriate assistant secretary or his designee.~~

* * *

[See Prior Text]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(A)(3).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:496 (July 1984), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1507. Procedures For Issuance Of Water Quality Certification

* * *

[See Prior Text in A]

1. Application Requirements. Any person, desiring issuance of a state water quality certification, shall file an application for certification with the Department of Environmental Quality, ~~Office of Water Resources~~, at its office in Baton Rouge. The application should include:

* * *

[See Prior Text In A.1.a-n.iv]

2. Processing Fee. A one-time processing fee will be assessed all applicants to help defray the costs of this expanded program. The fee schedule will be as follows:

noncommercial activities	\$25/application
commercial activities	\$265/application

Payment shall accompany the application for certification. ~~This office~~The department shall consider the application incomplete and initiation of the application review process will not begin until payment of the processing fee is received. Payment shall be by check or money order to Department of Environmental Quality, Office of Management and Finance, Financial Services Division~~Water Resources~~ and shall be nonrefundable.

* * *

[See Prior Text In A.3]

4. Approved Land Management Plan Requirement. Applicants whose applications involve the clearing of land for agricultural purposes shall submit to the Office of Environmental Services, Permits Division an approved land management plan for the land to be cleared before the application will be deemed adequate.

* * *

[See Prior Text In A.5-8]

B. Alternative Application Submittal. Any applicant may elect to submit to the Office of Environmental Services, Permits Division a duplicate of the proposed federal permit application in lieu of a separate application for state certification. Such submittal must include: ~~1-~~ a cover letter requesting state certification and indicating that the attached copy of a federal permit application is to serve as the application for state certification.

* * *

[See Prior Text In C-H.2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(A)(3).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:496 (July 1984), amended by the Office of the Secretary LR 22:345 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY
Part IX. Water Quality Regulations

Chapter 21. Municipal Facilities Revolving Loan Fund

§2109. Priority System

* * *

[See Prior Text In A]

B. Determination of Priority for Participation in the Program. Any municipality which has the authority under applicable law to undertake a wastewater facility project and desires to apply for a loan may submit a completed Pre-Application Form (RF-100) to the ~~department~~ Office of Environmental Assessment, Environmental Technology Division. Such projects shall be included on the next fiscal year's state project priority list in accordance with the priority system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011(D)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 13:742 (December 1987), repromulgated LR 14:862 (December 1988), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2111. Application For Loan

* * *

[See Prior Text In A-E.4]

F. Plans and Specifications. The applicant shall submit plans and specifications to the ~~department~~ Office of Environmental Assessment, Environmental Technology Division for review to insure the proposed project meets minimum technical and administrative requirements of federal and state law, is biddable and constructable and will satisfy discharge requirements in accordance with the project's National Pollution Discharge Elimination System (NPDES) and/or State Pollutant Discharge Elimination System permit.

* * *

[See Prior Text In G-H]

I. Financial and Management Capability. The applicant is required to submit to the Office of Environmental Assessment, Environmental Technology Division sufficient information to demonstrate its legal, institutional, managerial, and financial capability to insure the adequate building, operation, maintenance of the facility and debt repayment of the loan.

* * *

[See Prior Text In J-M]

N. Sludge Management Plan. The applicant shall submit a plan to the Office of Environmental Assessment, Environmental Technology Division that complies with the Department of Environmental Quality, ~~Division of Solid Waste~~ Rules and Regulations.

* * *

[See Prior Text In O-P]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011(D)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 13:742 (December 1987), repromulgated LR 14:862 (December 1988), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2115. Construction of Wastewater Facility Project

* * *

[See Prior Text In A-B.2.c]

d. submit to the ~~department~~ Office of Environmental Assessment, Environmental Technology Division all change orders for review and approval.

C. Bid Proposals. The applicant shall submit to the ~~department~~ Office of Environmental Assessment, Environmental Technology Division for review a complete statement of work to be performed, the terms and conditions of the proposed contract to be awarded, a clear explanation of the methods of bidding and of evaluating bid prices and the limits of work for each item on the proposal form.

* * *

[See Prior Text In D-E]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011(D)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 13:742 (December 1987), repromulgated LR 14:862 (December 1988), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2119. Miscellaneous

A. Annual Audit. The ~~Municipal Facilities~~ Office of Management and Finance, Financial Services Division shall conduct, or have conducted, an annual audit of the fiscal operation of the revolving loan fund for submission to the governor and the legislature.

* * *

[See Prior Text in B]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011(D)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 13:742 (December 1987), repromulgated LR 14:862 (December 1988), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2123. Appendix 2-Construction Grants Priority System

* * *

[See Prior Text In A-A.5]

6. To this end, the Louisiana Department of Environmental Quality, ~~Office of Water Resources~~, has derived the state of Louisiana construction grants priority system.

* * *

[See Prior Text In A.7-D.2.i]

3. It is the responsibility of each authorized project representative to maintain current and accurate information for his/her project, and to submit any revised or updated project information to the ~~department~~ Office of Environmental Assessment, Environmental Technology Division each year for use in preparing the project priority list. Only project information received by April 1 will be considered for inclusion on the next fiscal year's project priority list.

* * *

[See Prior Text In D.4-19]

20. Those projects which have already received federal assistance for Step 1 or Step 2 work must complete and submit the required grant documents to the Office of Environmental Assessment, Environmental Technology Division within the time period allotted. Failure to submit the required documents or a request for a time extension by the scheduled project completion date may result in the removal of the project from the fundable portion of the project priority list.

* * *

[See Prior Text In D.21- F]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011(D)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 17:342 (December 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2125. Appendix 3. State Environmental Review Process

A. General. As required by the provisions of Section 602(b)(6) of the 1987 Amendments to the Clean Water Act, the department shall conduct an interdisciplinary environmental review consistent with the National Environmental Policy Act of the project proposed for funding through the municipal facilities revolving loan fund. This review will insure that the project will comply with the applicable local, state and federal laws and department rules relating to the protection and

enhancement of the environment. Based upon the staff's review, the secretary, or his duly authorized representative, will make formal determinations regarding the potential social and environmental impacts of the proposed project. As necessary, the determination will include mitigative provisions as a condition of financial assistance for building and no financial assistance will be provided until a final environmental determination has been made. Nothing in these rules shall prohibit any public, private or governmental party from seeking administrative or legal relief from the determinations of the department. Potential applicants to the municipal facilities revolving loan fund should obtain guidance from the staff regarding the scope of the environmental review to be conducted by the department and the environmental information which the applicant will be required to submit to the Office of Environmental Assessment, Environmental Technology Division in support of the proposed project.

* * *

[See Prior Text In A.1.-C.5.Guidelines for Louisiana Revolving Loans Fund Environmental Review Process]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011(D)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 14:862 (December 1988), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY
Part IX. Water Quality Regulations

Chapter 22. Drinking Water Revolving Loan Fund

§2209. Application Requirements and Loan Conditions

* * *

[See Prior Text In A-B.1]

2. Financial Information. The applicant is required to submit to the Office of Environmental Assessment, Environmental Technology Division sufficient information to demonstrate its legal, institutional, managerial, and financial capability to ensure the construction, operation, and maintenance of the drinking water facilities and repayment of the loan, interest, and administrative fees.

3. Site Certificate. The applicant must submit to the Office of Environmental Assessment, Environmental Technology Division a certificate executed by an attorney certifying that the applicant has acquired all property sites, easements, rights-of-way, or specific use permits necessary for construction, operation, and maintenance of the project described in the approved system improvement plan.

* * *

[See Prior Text In C-E]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, Municipal Facilities Division, LR 24:29 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY
Part IX. Water Quality Regulations

Chapter 23. The Louisiana Pollutant Discharge Elimination System (LPDES) Program

Subchapter B. Permit Application and Special LPDES Program Requirements

§2331. Application for a Permit

A. Duty to Apply. Any person who discharges or proposes to discharge pollutants or who owns or operates a sludge-only facility and who does not have an effective permit, except persons covered by general permits under LAC 33:IX.2345, excluded under LAC 33:IX.2315, or a user of a privately owned treatment works unless the state administrative authority requires otherwise under LAC 33:IX.2361.M, shall submit a complete application (which shall include a BMP program if necessary under LAC 33:IX.2565) to the ~~state administrative authority~~ Office of Environmental Services, Permits Division in accordance with this Section and LAC 33:IX.Chapter 23.Subchapters E-G.

* * *

[See Prior Text In B- C.1.b]

c. Any other existing treatment works treating domestic sewage not addressed under LAC 33:IX.2331.C.1.a or b must submit the information listed in LAC 33:IX.2331.C.1.c.i-v, to the ~~state administrative authority~~ Office of Environmental Services, Permits Division within one year after publication of a standard applicable to its sewage sludge use or disposal practice(s). The ~~state administrative authority~~ Office of Environmental Services, Permits Division shall determine when such treatment works treating domestic sewage must apply for a permit. The following information must be submitted:

* * *

[See Prior Text In C.1.c.i-d]

e. Any treatment works treating domestic sewage that commences operations after promulgation of an applicable standard for sewage sludge use or disposal shall submit an application to the ~~state administrative authority~~ Office of Environmental Services, Permits Division at least 180 days prior to the date proposed for commencing operations.

* * *

[See Prior Text In D-E]

F. Information Requirements. All applicants for LPDES permits shall provide the following information to the ~~state administrative authority~~ Office of Environmental Services, Permits Division, using the application form provided by the state administrative authority

(additional information required of applicants is set forth in Subsections G-K of this Section and LAC 33:I.1701):

* * *

[See Prior Text In F.1-9]

G. Application Requirements for Existing Manufacturing, Commercial, Mining, and Silvicultural Dischargers. Existing manufacturing, commercial, mining, and silvicultural dischargers applying for LPDES permits, except for those facilities subject to the requirements of Subsection H of this Section, shall provide the following information to the ~~state administrative authority~~ Office of Environmental Services, Permits Division, using application forms provided by the state administrative authority:

* * *

[See Prior Text In G.1-13]

H. Application Requirements for Manufacturing, Commercial, Mining and Silvicultural Facilities Which Discharge Only Nonprocess Wastewater. Except for stormwater discharges, all manufacturing, commercial, mining and silvicultural dischargers applying for LPDES permits which discharge only nonprocess wastewater not regulated by an effluent limitations guideline or new source performance standard shall provide the following information to the ~~state administrative authority~~ Office of Environmental Services, Permits Division, using application forms provided by the state administrative authority:

* * *

[See Prior Text In H.1-Note 3.e]

[This revision continues that suspension.]¹

¹ EDITORIAL NOTE: The words "This revision" refer to the document published at 48 FR 14153, Apr. 1, 1983.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:723 (June 1997), amended by the Office of the Secretary, LR 25:661 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2341. Storm Water Discharges

* * *

[See Prior Text In A-C.1.e]

2. Group Application for Discharges Associated with Industrial Activity. In lieu of individual applications or notice of intent to be covered by a general permit for storm water

discharges associated with industrial activity, a group application may be filed by an entity representing a group of applicants (except facilities that have existing individual LPDES permits for storm water) that are part of the same subcategory (see 40 CFR subchapter N, part 405 to 471) or, where such grouping is inapplicable, are sufficiently similar as to be appropriate for general permit coverage under LAC 33:IX.2345. The part 1 application shall be submitted to the ~~Office of Water Resources~~ Office of Environmental Services, Permits Division, P.O. Box 82215, Baton Rouge, LA 70884-2215 for approval. Once a part 1 application is approved, group applicants are to submit Part 2 of the group application to the ~~Office of Water Resources~~ Office of Environmental Services, Permits Division. A group application shall consist of:

* * *

[See Prior Text In C.2.a-b]

D. Application Requirements for Large and Medium Municipal Separate Storm Sewer Discharges. The operator of a discharge from a large or medium municipal separate storm sewer or a municipal separate storm sewer that is designated by the state administrative authority under LAC 33:IX.2341.A.1.e, may submit a jurisdiction-wide or system-wide permit application to the Office of Environmental Services, Permits Division. Where more than one public entity owns or operates a municipal separate storm sewer within a geographic area (including adjacent or interconnected municipal separate storm sewer systems), such operators may be a co-applicant to the same application. Permit applications for discharges from large and medium municipal storm sewers or municipal storm sewers designated under LAC 33:IX.2341.A.1.e shall include:

* * *

[See Prior Text In D.1-E.2.a]

i. except as provided in LAC 33:IX.2341.E.2.a.ii, part 1 of the application shall be submitted to the ~~Office of Water Resources~~ department by September 30, 1991;

* * *

[See Prior Text In E.2.a.ii-c]

i. except as provided in LAC 33:IX.2341.E.2.c.ii, part 2 of the application shall be submitted to the ~~Office of Water Resources~~ department by October 1, 1992;

* * *

[See Prior Text In E.2.c.ii-d.i]

ii. Facilities that are owned or operated by a municipality and that are rejected as members of part 1 group application shall submit an individual application to the department no later than 180 days after the date of receipt of the notice of rejection or October 1, 1992, whichever is later.

e. A facility listed under LAC 33:IX.2341.B.14.a-k may add on to a group application submitted in accordance with LAC 33:IX.2341.E.2.a at the discretion of the ~~Office of Water Resources~~ department, and only upon a showing of good cause by the facility and the group

applicant; the request for the addition of the facility shall be made no later than February 18, 1992; the addition of the facility shall not cause the percentage of the facilities that are required to submit quantitative data to be less than 10%, unless there are over 100 facilities in the group that are submitting quantitative data; approval to become part of group application must be obtained from the group or the trade association representing the individual facilities.

* * *

[See Prior Text In E.3- G.4.d]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:957 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2273 (October 2000), LR 26:**.

§2345. General Permits

* * *

[See Prior Text In A-B.2]

a. Except as provided in LAC 33:IX.2345.B.2.e and f, dischargers (or treatment works treating domestic sewage) seeking coverage under a general permit shall submit to the ~~state administrative authority~~ Office of Environmental Services, Permits Division a written notice of intent to be covered by the general permit. A discharger (or treatment works treating domestic sewage) who fails to submit a notice of intent in accordance with the terms of the permit is not authorized to discharge, (or in the case of sludge disposal permit, to engage in a sludge use or disposal practice), under the terms of the general permit unless the general permit, in accordance with LAC 33:IX.2345.B.2.e, contains a provision that a notice of intent is not required or the state administrative authority notifies a discharger (or treatment works treating domestic sewage) that it is covered by a general permit in accordance with LAC 33:IX.2345.B.2.f. A complete and timely, notice of intent (NOI), to be covered in accordance with general permit requirements, fulfills the requirements for permit applications for purposes of LAC 33:IX.2321, 2331, and 2341.

* * *

[See Prior Text In B.2.b-C.3]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter C. Permit Conditions**§2355. Conditions Applicable to All Permits**

The following conditions apply to all LPDES permits. Additional conditions applicable to LPDES permits are in LAC 33:IX.2357. All conditions applicable to LPDES permits shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to these regulations (or the corresponding approved state regulations) must be given in the permit.

* * *

[See Prior Text In A-M.3]

a. Anticipated Bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Office of Environmental Services, Permits Division, if possible at least 10 days before the date of the bypass.

* * *

[See Prior Text In M.3.b-N.4]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:724 (June 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2357. Additional Conditions Applicable to Specified Categories of LPDES Permits

The following conditions, in addition to those set forth in LAC 33:IX.2355, apply to all LPDES permits within the categories specified below:

A. Existing Manufacturing, Commercial, Mining, and Silvicultural Dischargers. In addition to the reporting requirements under LAC 33:IX.2355.L, all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the ~~state administrative authority~~ Office of Environmental Services, Permits Division as soon as they know or have reason to believe:

* * *

[See Prior Text In A.1-B.3.b]

C. Municipal Separate Storm Sewer Systems. The operator of a large or medium municipal separate storm sewer system or a municipal separate storm sewer that has been designated by the state administrative authority under LAC 33:IX.2341.A.1.e must submit an annual report to the Office of Environmental Services, Permits Division by the anniversary of the date of the issuance of the permit for such system. The report shall include:

* * *

[See Prior Text In C.1-D]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2363. Calculating LPDES Permit Conditions

* * *

[See Prior Text In A-B.2.b.ii]

(a). the permit shall require the permittee to notify the ~~state administrative authority~~ Office of Environmental Services, Permits Division at least two business days prior to a month in which the permittee expects to operate at a level higher than the lowest production level identified in the permit. The notice shall specify the anticipated level and the period during which the permittee expects to operate at the alternate level. If the notice covers more than one month, the notice shall specify the reasons for the anticipated production level increase. New notice of discharge at alternate levels is required to cover a period or production level not covered by prior notice or, if during two consecutive months otherwise covered by a notice, the production level at the permitted facility does not in fact meet the higher level designated in the notice.

(b). the permittee shall comply with the limitations, standards, or prohibitions that correspond to the lowest level of production specified in the permit, unless the permittee has notified the ~~state administrative authority~~ Office of Environmental Services, Permits Division under LAC 33:IX.2363.B.2.b.ii.(a), in which case the permittee shall comply with the lower of the actual level of production during each month or the level specified in the notice.

(c). The permittee shall submit to the Office of Environmental Services, Permits Division with the DMR the level of production that actually occurred during each month and the limitations, standards, or prohibitions applicable to that level of production.

* * *

[See Prior Text In C-I]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter E. General Program Requirements**§2415. Public Notice of Permit Actions and Public Comment Period**

* * *

[See Prior Text In A-D.1]

a. name and address of the DEQ division~~office~~ processing the permit action for which a notice is being given;

* * *

[See Prior Text In D.1.b-F]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Water Pollution Control Division, LR 23:725 (June 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2417. Public Comments and Requests for Public Hearings

During the public comment period provided under LAC 33:IX.2415, any interested person may submit written comments to the Office of Environmental Services, Permits Division on the draft permit and may request a public hearing, if no hearing has already been scheduled. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. All comments shall be considered in making the final decision and shall be answered as provided in LAC 33:IX.2427.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2419. Public Hearings

* * *

[See Prior Text In A.1-4]

B. Any person may submit to the Office of Environmental Services, Permits Division oral or written statements and data concerning the draft permit. Reasonable limits may be set upon the time allowed for oral statements, and the submission of statements in writing may be required. The public comment period under LAC 33:IX.2415 shall automatically be extended to the close of any public hearing under this Section. The hearing officer may also extend the comment period by so stating at the hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter L. Criteria for Determining Alternative Effluent Limitations Under Section 316(a) of the Act

§2515. Early Screening of Applications for Section 316(a) of the Act Variances

* * *

[See Prior Text In A-A.4]

B. After submitting the early screening information under LAC 33:IX.2515.A, the discharger shall consult with the state administrative authority at the earliest practicable time (but not later than 30 days after the application is filed) to discuss the discharger's early screening information. Within 60 days after the application is filed, the discharger shall submit for the ~~state administrative authority's~~ Office of Environmental Services, Permits Division's approval a detailed plan of study which the discharger will undertake to support its section 316(a) of the Act demonstration. The discharger shall specify the nature and extent of the following type of information to be included in the plan of study: biological, hydrographical and meteorological data; physical monitoring data; engineering or diffusion models; laboratory studies; representative important species; and other relevant information. In selecting representative important species, special consideration shall be given to species mentioned in applicable water quality standards. After the discharger submits its detailed plan of study, the state administrative authority shall either approve the plan or specify any necessary revisions to the plan. The discharger shall provide any additional information or studies which the state administrative authority subsequently determines necessary to support the demonstration, including such studies or inspections as may be necessary to select representative important species. The discharger may provide any additional information or studies which the discharger feels are appropriate to support the demonstration.

* * *

[See Prior Text In C-F]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter R. Toxic Pollutant Effluent Standards and Prohibitions

§2609. Compliance

A. 1. Within 60 days from the date of promulgation of any toxic pollutant effluent standard or prohibition each owner or operator with a discharge subject to that standard or prohibition must notify the ~~state administrative authority~~ Office of Environmental Services, Permits Division of such discharge. Such notification shall include such information and follow such procedures as the state administrative authority may require.

* * *

[See Prior Text In A.2-G]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2555 (November 2000), repromulgated LR 27:** (February 2001).

Subchapter T. General Pretreatment Regulations for Existing and New Sources of Pollution

§2713. Removal Credits

* * *

[See Prior Text In A-F]

1. Effect of Authorization. Once a POTW has received authorization to grant removal credits for a particular pollutant regulated in a categorical pretreatment standard it may automatically extend that removal credit to the same pollutant when it is regulated in other categorical standards, unless granting the removal credit will cause the POTW to violate the sludge requirements identified in LAC 33:IX.2713.A.3.d or its LPDES permit limits and conditions as required by LAC 33:IX.2713.A.3.e. If a POTW elects at a later time to extend removal credits to a certain categorical pretreatment standard, industrial subcategory or one or more industrial users that initially were not granted removal credits, it must notify the ~~approval authority~~ Office of Environmental Services, Permits Division.

* * *

[See Prior Text In F.2- H.2.c]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2717. POTW Pretreatment Programs and/or Authorization to Revise Pretreatment Standards: Submission for Approval

A. Who Approves Program. A POTW requesting approval of a POTW pretreatment program shall develop a program description which includes the information set forth in Subsection B.1-4 of this Section. This description shall be submitted to the ~~approval authority~~ Office of Environmental Services, Permits Division which will make a determination on the request for program approval in accordance with the procedures described in LAC 33:IX.2721.

* * *

[See Prior Text In B-D]

E. Approval Authority Action. Any POTW requesting POTW pretreatment program approval shall submit to the ~~approval authority~~ Office of Environmental Services, Permits Division three copies of the submission described in Subsection B of this Section, and, if appropriate, Subsection D of this Section. Within 60 days after receiving the submission, the ~~approval authority~~ Office of Environmental Services, Permits Division shall make a preliminary determination of whether the submission meets the requirements of Subsection B of this Section and, if appropriate, Subsection D of this Section. If the approval authority makes the preliminary determination that the submission meets these requirements, the approval authority shall:

* * *

[See Prior Text In E.1- G.2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2721. Approval Procedures for POTW Pretreatment Programs and POTW Granting of Removal Credits

The following procedures shall be adopted in approving or denying requests for approval of POTW Pretreatment Programs and applications for removal credit authorization.

* * *

[See Prior Text In A-B.1.a.ii]

b. the public notice shall provide a period of not less than 30 days following the date of the public notice during which time interested persons may submit their written views on the submission to the Office of Environmental Services, Permits Division; and

* * *

[See Prior Text In B.1.c- F]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 25:1093 (June 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2723. Reporting Requirements for POTWs and Industrial Users

* * *

[See Prior Text In A-G.1]

2. If sampling performed by an industrial user indicates a violation, the user shall notify the ~~control authority~~ Office of Environmental Services, Permits Division within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within 30 days after becoming aware of the violation, except the industrial user is not required to resample if:

* * *

[See Prior Text In G.2.a-K.2]

3. not later than 14 days following each date in the schedule and the final date for compliance, the POTW shall submit a progress report to the ~~approval authority~~ Office of Environmental Services, Permits Division including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps taken by the POTW to return to the schedule established. In no event shall more than nine months elapse between such progress reports to the ~~approval authority~~ Office of Environmental Services, Permits Division.

* * *

[See Prior Text In L-P.4]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 24:2122 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2725. Variances from Categorical Pretreatment Standards for Fundamentally Different Factors

* * *

[See Prior Text In A-G]

1. Requests for a variance and supporting information must be submitted in writing to the ~~state administrative authority~~ Office of Environmental Services, Permits Division or to the administrator (or his delegate), as appropriate.

* * *

[See Prior Text In G.2- J.1.c]

2. The public notice shall provide for a period not less than 30 days following the date of the public notice during which time interested persons may review the request and submit their written views on the request to the Office of Environmental Services, Permits Division.

* * *

[See Prior Text In J.3-L.2.b.iv]

c. notify the ~~state administrative authority~~ Office of Environmental Services, Permits Division and the POTW of his or her determination; and

* * *

[See Prior Text In L.2.d- M.2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:*.

§2735. Modification of POTW Pretreatment Programs

* * *

[See Prior Text In A-C]

1. The POTW shall submit to the ~~approval authority~~ Office of Environmental Services, Permits Division a statement of the basis for the desired program modification, a modified program description (see LAC 33:IX.2717.B), or such other documents the approval authority determines to be necessary under the circumstances.

* * *

[See Prior Text In C.2-D]

1. The POTW shall notify the ~~approval authority~~ Office of Environmental Services, Permits Division of any other (i.e., nonsubstantial) modifications to its pretreatment program at least 45 days prior to when they are to be implemented by the POTW, in a statement similar to that provided for in Subsection C.1 of this Section.

* * *

[See Prior Text In D.2-E]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 24:2122 (November 1998), LR

25:1093 (June 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter V. Additional Requirements Applicable to the LPDES Program

§2763. Request for Nondisclosure of Confidential Information

* * *

[See Prior Text In A]

1. information determined to be confidential by ~~this office~~the department shall be segregated from any information determined to be nonconfidential, provided in cases where confidential information cannot be reasonably extracted or separated from nonconfidential information, the whole document shall be confidential. Confidential information shall be maintained in a locked file separate from nonconfidential information. The file shall be labeled "confidential," with access appropriately controlled;

* * *

[See Prior Text In A.2]

3. except for members of the department staff, authorized persons shall review a confidential file under the supervision of ~~an office~~a department staff member. Confidential information shall be removed from the file no longer than is strictly necessary.

B. In accordance with R.S. 30:2030 and 30:2074(D), ~~this office~~the department may remove confidential information from its files and return it to the provider when such information is no longer necessary or required for the purposes of the act, these regulations, or any order or under the terms and conditions of any license or permit, and the provider has requested such action in writing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2765. Additional LPDES Permit Application Requirements

A. In addition to the requirements in LAC 33:IX.2331.F, all applicants shall provide the following information to the administrative authority using the application form provided by the ~~office~~department, unless the ~~office~~department determines that such information is not required for the applicant's facility or activity:

* * *

[See Prior Text In A.1-2]

B. In addition to the requirements in LAC 33:I.1701 and LAC 33:IX.2331.G.1, H.1, and K.1, all applicants shall provide the following information to the administrative authority using the application form provided by the ~~office~~department, unless the ~~office~~department determines that such information is not required for the applicant's facility or activity:

* * *

[See Prior Text In B.1]

2. the section, township, and range information or other means acceptable to the ~~office~~department to locate each discharge; and

* * *

[See Prior Text In B.3]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of the Secretary, LR 25:662 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2767. Enforcement Actions

A. The ~~office~~department may take enforcement action as prescribed by state law or regulation against any person who:

* * *

[See Prior Text In A.1]

2. knowingly makes any false statement, representation, or certification in any application, record, report, or other documents filed with ~~this office~~the department pursuant to the act or these regulations. Violations of this provision may subject the violator to the penalties provided for in the act for perjury or false statements;

3. fails to correct deficiencies in the application; or upon becoming aware that any relevant facts or information were omitted in a permit application or in any report to the ~~office~~department, fails to promptly submit such facts or information;

* * *

[See Prior Text In A.4-6]

B. Exception. In cases where the application is withdrawn by the applicant, a written notification shall be provided to ~~this office~~ the Office of Environmental Services, Permits Division stating that no discharge or other activity that would require a permit from ~~this office~~ the Office of Environmental Services, Permits Division is currently taking place. Provided that the application

was not made in response to previous enforcement action, the applicant is then exempt from enforcement action for causes listed under LAC 33:IX.2767.A.3 and 4.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:726 (June 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2773. Inspection and Entry

* * *

[See Prior Text In A-A.1]

2. have access to and copy any records that the ~~office~~department or its authorized representative determines are necessary for the enforcement of these regulations. For records maintained in either a central or private office that is open only during normal office hours and is closed at the time of inspection, the records shall be made available as soon as the office is open, but in no case later than the close of business the next working day.

* * *

[See Prior Text In B-C]

D. Upon written request copies of field notes, drawings, etc., taken by ~~office~~department personnel during an inspection shall be provided to the permittee after the final inspection report has been completed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2781. Public Notice and Availability of Information

A. In addition to the requirements in LAC 33:IX.2415, publication of the notice one time in the newspaper(s) specified by the ~~office~~department and submission of proof of publication will be required. The costs of publication shall be borne by the applicant.

* * *

[See Prior Text In B]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Water Pollution Control Division,

LR 23:726 (June 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.